

## Nonindustrial Private Forestland Definitions

### Section 1201(18) of the Farm Bill

NONINDUSTRIAL PRIVATE FOREST LAND.—The term “nonindustrial private forest land” means rural land, as determined by the Secretary, that—

- (A) has existing tree cover or is suitable for growing trees; and
- (B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decision making authority over the land.

### ACEP Program Manual – Title 440 - 528.33(A)(4)(vi) and 528.33(C)(2) – [Land Eligibility](#)

Eligible land types include: (vi) Nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development.

(2) Forest Land Requirements.—Forest land is areas of native trees grown under natural conditions regardless of the products harvested (timber, nuts, berries, vines, mushrooms). Forest land is defined as land cover or use category that is at least 10 percent stocked by single-stemmed woody species of any size that will be at least 13 feet tall at maturity. Also included is land bearing evidence of natural regeneration of tree cover (cutover forest or abandoned farmland) that is not currently developed for nonforest use. Ten percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater (source: National Resources Inventory Glossary).

Note: For the purposes of ACEP-ALE land eligibility, land covered by trees is considered cropland when the trees are not native species (orange groves, fruit and nut tree orchards) or native species that are cultivated (planted in rows, fertilized, and cultivated).

- (i) To be eligible for enrollment in ACEP-ALE, the nonindustrial private forest land must contribute to the economic viability of an agricultural operation or serve as a buffer to protect an agricultural operation from development, as determined by NRCS.
  - ACEP-ALE easements may contain forest land on up to two-thirds of the ACEP-ALE easement area. The State conservationist may waive the two-thirds limitation for acreage that NRCS determines is a sugar bush operation that contributes to the economic viability of the operation.

### CSP Program Manual - Title 440 - 507.52(B)(2) – [Land Eligibility](#)

(2) NIPF is rural land that has existing tree cover or is suitable for growing trees and is owned by an individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision making authority over the land. The following criteria will be used for the designation of NIPF:

- (i) NIPF is at least 10-percent stocked by single-stemmed woody species of any size that will be at least 4 meters (13 feet) tall at maturity. Also included is land bearing evidence of natural regeneration or planted trees (cut-over forest or abandoned farmland) and not currently developed for nonforest use. For mature forests, 10-percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater.

- (ii) The land must have existing tree cover or be suitable for growing trees. The Conservation Activity Evaluation Tool (CAET) will document current management.
- (iii) Forest Openings and Nonforest Land Areas (e.g., Wetlands, Rock Outcrops).— Openings within the forest are eligible for inclusions in the NIPF acreage provided any one opening will not exceed a size limit determined by the State Conservationist. Areas that exceed this specified limit must be excluded from the forest offered acreage unless the applicant provides documentation of forest management activities that have been conducted on these acres within the last 10 years
- Final Rule - *Nonindustrial private forest land* means rural land, as determined by NRCS, that has existing tree cover or is suitable for growing trees, and is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision-making authority over the land.

#### **EQIP Program Manual - Title 440 – 515.52(A)(1)(iii) – [Land Eligibility](#)**

- (iii) Nonindustrial private forest (NIPF) land is rural land that meets both of the following criteria:
  - Has existing tree cover or is suitable for growing trees
  - Is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity

#### **EQIP Final Rule**

Nonindustrial private forest land (NIPF) means rural land, as determined by NRCS, that has existing tree cover or is suitable for growing trees; and is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision-making authority over the land.

#### **RCPP – FY20 and FY21 NOFO**

“RCPP projects must be carried out on agricultural or nonindustrial private forest land or on associated land on which NRCS determines an eligible activity would help achieve conservation benefits ... Forest land eligibility does not encompass industrial forest lands that are owned by companies, organizations, and individuals who engage in commercially oriented forest management and production activities.” NRCS removed the forest land eligibility sentence and reissued the APF.

#### **Emergency Conservation Program and Emergency Forest Restoration Program Rules - [7 CFR § 701.151](#)**

*Nonindustrial private forest land* means rural commercial forest lands with existing tree cover, or which are suitable for growing trees, that are owned by a private non-industrial forest landowner as defined in this section.

*Owners of nonindustrial private forest* means, for purposes of the EFRP, an individual, group, association, corporation, Indian Tribe, or other legal private entity owning nonindustrial private forest land or who receives concurrence from the landowner for making the claim in lieu of the owner; and, for practice implementation, the one who holds a lease on the land for a minimum of 10 years. Owners or lessees principally engaged in the primary processing of raw wood products are excluded from this

definition. Owners of land leased to lessees who would be excluded under the previous sentence are also excluded.

#### **Forest Stewardship Program - [Forest Stewardship Program National Standards and Guidelines](#)**

For purposes of this program, nonindustrial private forest (NIPF) land includes rural lands, including wildland urban interface, with existing tree cover, or suitable for growing trees, that is owned or leased long-term by any private individual, group, association, corporation, Indian tribe or other private legal entity, such as Alaska Native corporations. Private nonindustrial forest lands managed under existing Federal, State, or private sector financial and technical assistance programs are eligible for assistance under the Forest Stewardship Program.

#### **Forest Inventory and Analysis – Database Description and User Manual - [Private owner industrial status code](#)**

The private owner industrial status code indicates “whether the landowner owns and operates a primary wood processing plant. A primary wood processing plant is any commercial operation that originates the primary processing of wood on a regular and continuing basis. Examples include: pulp or paper mill, sawmill, panel board mill, post or pole mill.”

Forest is defined as “Land with at least 10% percent cover (or equivalent stocking) by live trees of any size, including land that formerly had such tree cover and that will be naturally or artificially regenerated. To qualify, the area must be at least 1.0 acre in size and 120.0 ft wide”

NIPF is defined as private forest ownerships that do not own a primary wood processing facility includes corporations, nongovernmental conservation organizations, associations and clubs, and Native American tribes, in addition to families and individuals.<sup>1</sup>

#### **Natural Resources Inventory - [National Resources Inventory Glossary](#)**

Forest land is a *land cover/use* category that is at least 10 percent stocked by single-stemmed woody species of any size that will be at least 4 meters (13 feet) tall at maturity. Also included is land bearing evidence of natural regeneration of tree cover (cut over forest or abandoned farmland) and not currently developed for non-forest use. Ten percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater. The minimum area for classification as forest land is 1 acre, and the area must be at least 100 feet wide

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<sup>1</sup> [https://www.vermontwoodlands.org/wp-content/uploads/2019/06/nrs\\_2016\\_butler\\_001.pdf](https://www.vermontwoodlands.org/wp-content/uploads/2019/06/nrs_2016_butler_001.pdf)